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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,416	10/16/2001	Tadashi Ezaki	SONYJP 3.0-211	5305
530	7590	03/21/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			WORJLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Office Action Summary</b>	<b>Application No.</b> 09/978,416	<b>Applicant(s)</b> EZAKI, TADASHI	
	<b>Examiner</b> Jalatee Worjloh	<b>Art Unit</b> 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-15 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-26 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to the amendment filed on December 13, 2004, in which claims 1,2,4-15 and 17-26 were amended and claims 3,16, and 27-29 canceled.

### ***Response to Arguments***

2. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6-8 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6668246 to Yeung et al.

Yeung et al. disclose a receiver (i.e. "client platform") operable to receive content distributed in accordance with a plurality of rights management and protection methods (i.e. "content protection mechanisms"), see col. 3, lines 7 & 8, a rights processing unit (i.e. "server platform") including a plurality of rights management and protection modules (i.e. access control logic including hardware and software) each operable to perform rights processing of content received by said receiver in accordance with a respective one of the rights management and protection method and an identification unit (i.e. "server platform") operable to identify the rights management and protection method in accordance with which particular content received

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by said receiver is distributed and to select one of said rights management and protection modules to perform rights processing of the particular received content in accordance with the identified rights management and protection method (see col. 4, lines 40-56).

Referring to claim 4, Yeung et al. disclose a rights management and protection module acquiring unit (i.e. "client platform") operable to externally acquire the selected rights management and protection module based on the identified rights management and protection method (see claim 1 above).

Referring to claims 6 and 8, Yeung et al. disclose a content storage unit operable to store the received content and operable to store the received content after rights processing by said rights processing unit (see col. 7, lines 36 & 37).

Referring to claim 7, Yeung et al. disclose the content storage unit operable to store the received content before rights processing by said rights processing unit (see abstract, lines 2 & 3).

Referring to claim 13, Yeung et al. disclose the rights processing unit is operable to encrypt the particular received content after performing the rights processing, and is operable to externally output the encrypted content (see col. 9, lines 46-50).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung et al. as applied to claim 1 above, and further in view of US Patent No. 6226618 to Downs et al.

Yeung et al. disclose the plurality of rights management and protection methods (see claim 1 above). Yeung et al. do not expressly disclose the methods specify indispensable items for purchasing and using the content, said items including a content encryption method, a key distribution method, a content decryption method, a billing information and keys transmission method, recording medium control information, a mutual authentication method, at least one of an analog protection system of macrovision and a copy generation management system and viewing limitation information. Downs et al. disclose the methods specify indispensable items for purchasing and using the content, said items including a content encryption method, a key distribution method, a content decryption method, a billing information and keys transmission method, recording medium control information, a mutual authentication method, at least one of an analog protection system of macrovision and a copy generation management system and viewing limitation information (i.e. "copy restriction rules, wholesale price, and any business rules deemed necessary"), see col. 9, lines 34-36. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Yeung et al. to allow the methods to specify indispensable items for purchasing and using the content, said items including a content encryption method, a key distribution method, a content decryption method, a billing information and keys transmission method, recording medium control information, a mutual authentication method, at least one of an analog protection system of macrovision and a copy generation management system and viewing limitation information.

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One of ordinary skill in the art would have been motivated to do this because it efficiently identifies the appropriate method.

Referring to claim 11, Yeung et al. disclose a rights processing unit (see claim 1 above). Yeung et al. do not expressly disclose the rights processing unit is operable to store a log regarding rights processing of the particular received content. Downs et al. disclose the rights processing unit is operable to store a log regarding rights processing of the particular received content (see col. 81, lines 34-39).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung et al. as applied to claim 1 above, and further in view of US Patent No. 5968175 to Morishita et al.

Yeung et al. disclose a rights management and protection module (see claim 1 above). Yeung et al. do not expressly disclose a rights management and protection module creation unit (i.e. “managing server”) operable to automatically create the selected rights management and protection method (i.e. “use control program”). Morishita et al. disclose a rights management and protection module creation unit operable to automatically create the selected rights management and protection method (see col. 22, lines 48-52).

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung et al. as applied to claim 1 above, and further in view of US Publication No. 2001/0013021 to Saito.

Yeung et al. disclose the apparatus wherein said receiver is operable to receive the content encrypted by a predetermined key (see col. 6, lines 33-35), said receiver including a content storage unit operable to store the content (see col. 7, lines 36 & 37). Yeung et al. do not expressly disclose the rights processing unit being operable to decrypt the received encrypted

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content, reencrypt the resulting decrypted content using another key, and, thereafter store the reencrypted content in said content storage unit. Saito discloses the rights processing unit being operable to decrypt the received encrypted content, reencrypt the resulting decrypted content using another key, and, thereafter store the reencrypted content in said content storage unit (see paragraphs [0101] & [0261]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Yeung to include the rights processing unit being operable to decrypt the received encrypted content, reencrypt the resulting decrypted content using another key, and, thereafter store the reencrypted content in said content storage unit. One of ordinary skill in the art would have been motivated to do this because it minimizes piracy by providing additional security.

Referring to claim 10, Yeung et al. disclose the apparatus wherein said receive is operable to receive the content encrypted by a predetermined key (see col. 6, lines 33-35), said receiver including a content storage unit operable to store the content (see col. 7, lines 36 & 37).

Although Yeung et al. do not explicitly state that the predetermined key is encrypted by a second key, the apparatus of Yeung is capable of performing such process. Therefore, "the recitation of a new intended use for an old product does not make a claim to that old product patentable".

Yeung et al. do not expressly disclose the rights processing unit being operable to decrypt the received encrypted content, reencrypt the resulting decrypted content using another key, and, thereafter store the reencrypted content in said content storage unit. Saito discloses the rights processing unit being operable to decrypt the received encrypted content, reencrypt the resulting decrypted content using another key, and, thereafter store the reencrypted content in said content storage unit (see paragraphs [0101] & [0261]). At the time the invention was made, it would

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have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Yeung to include the rights processing unit being operable to decrypt the received encrypted content, reencrypt the resulting decrypted content using another key, and, thereafter store the reencrypted content in said content storage unit. One of ordinary skill in the art would have been motivated to do this because it minimizes piracy by providing additional security.

***Allowable Subject Matter***

8. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 14, 15 and 17-26 are allowed.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for Regular/After Final Actions and 703-746-9443 for Non-Official/Draft.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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**PO Box 1450**  
***Alexandria, VA 22313-1450***

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, V.A., Seventh floor receptionist.

  
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**Jalatee Worjloh**  
**Patent Examiner**  
**Art Unit 3621**

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March 9, 2005